

AUG 11 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

TOD N. ROCKEFELLER, United States
ex rel.,

Plaintiff - Appellant,

v.

WESTINGHOUSE WASTE ISOLATION
DIVISION, a division of CBS Corp.; et
al.,

Defendants - Appellees.

No. 06-35290

D.C. No. CV-05-05091-LRS

MEMORANDUM^{*}

Appeal from the United States District Court
for the Eastern District of Washington
Lonny R. Suko, District Judge, Presiding

Submitted August 7, 2006^{**}

Before: SCHROEDER, Chief Judge, REINHARDT and HAWKINS, Circuit
Judges.

^{*} This disposition is not appropriate for publication and may not be
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

06-35290

A review of the record and the opening brief indicates that the questions raised in this appeal are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard).

Accordingly, we summarily affirm the district court's judgment.

The motions for costs and sanctions are denied.

All other pending motions are denied as moot.

AFFIRMED.